IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 904/2004

(Krishna Chandra Joshi Vs. State of Rajasthan & Ors.)

Date of Order : 10/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. M.S.Singhvi for the petitioner.
Mr. Rameshwar Dave, Dy. Govt. Advocate for the respondents.

BY THE COURT:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the notice Annex.12 dated 12.2.2004 issued by respondent No.3 District Education Officer (Elementary Education), Dungarpur.

Heard learned counsel for the parties.

The Notice Annex.12 has been issued to petitioner stating therein that the petitioner has submitted the mark-sheets of secondary examination for the years 1984 and 1997 as also two mark-sheets of B.Ed. for the same academic session 1996 obtained from two different universities. As per rules, after

acquiring the higher secondary in the year 1986, the marks obtained in the secondary examination for the year 1997 cannot be added and for the same academic session, two degrees of B.Ed. could not be obtained from two different universities, therefore the appointment of the petitioner on the post of Teacher is not in accordance with law. Accordingly, the petitioner was called upon to show cause and explain the circumstances and put his case before the respondent No.3. The petitioner instead of appearing before the respondent No.3 in pursuance of notice Annex.12 filed the instant writ petition. The notice impugned in clear terms states that the petitioner may appear in person within 15 days and show cause as also to put his case before the authority concerned and it is for the respondents to decide the matter as to whether the petitioner is entitled to continue on the post appointed or not. In the circumstances, therefore, in my view, it is appropriate for the petitioner to approach the concerned respondent and show cause and put his case.

In this view of the matter, the petitioner is permitted to appear before the respondent No.3 within 15 days from today and if the petitioner appears before the concerned respondent and shows cause, the concerned respondent shall consider and decide the matter in accordance with law. It is made clear that if

any order adverse to the petitioner is passed, then the petitioner may be granted 15 days time so that he may challenge the same if so advised.

With these directions, the writ petition stands disposed of. Stay petition also stands disposed of. The application being I.A. No. 2095/06 also stands disposed of. No order as to costs.

(H.R.PANWAR),J.

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